

Application No: 10/604469

Applicant respectfully traverses the restriction under 37 C.F.R. 1.142(b) whereby the Examiner withdrew Claims 18-29 from consideration. Claims 18-29 have a sufficient connection to Claims 10-17 such that the restriction is improper. Claims 18-29 are connected to Claim 1 by at least one of the design of the orotracheal suction system, the operation of the orotracheal suction system, and the effect of use of

the orotracheal suction system. MPEP §802.01(11). Specifically, Claim 18 incorporates

the design of the orotracheal suction system of Claim 1, and in turn the system of Claim 1 is required for operation of the method of Claim 18.

Further, there is no additional burden placed on the board by considering the related claims together because the apparatus and methods are so related that no extraneous searching or analysis would be required. Accordingly, Applicant asserts that the restriction is improper and requests that Claims 18-29 be considered with Claims 10-17.

REJECTION UNDER 35 U.S.C. § 102

Claims 10, 14, and 16 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Pell et al. (U.S. Pat. No(4,850,348). This rejection is respectfully traversed.

Application No: 10/604469

Pell et al. disclose an endotracheal apparatus made of a material that bends through substantially 90 degrees without the wall collapsing or kinking due to a special tube material formed of silicone, a silica filler, and platinum salts. Column 2, line 62 through Column 3, line 11. The Pell et al. apparatus is disclosed as being adapted to be connected to a ventilator or oxygen source and/or a suction device. Column 3, lines 40-43 and Column 5, lines 27-33.

The focus of the Pell et al. disclosure is the bendable and non-collapsible material, and Pell et al. provide no disclosure on the specifics of the reservoir being formed as a multi-compartment chamber having a grid separating the entry and second compartments. The Office Action asserts, however, that Pell et al. disclose "a reservoir (the suction source, column 5, line 33) operable to connect to the extension tubing... wherein the reservoir comprises an entry compartment and a second compartment as all reservoirs do..." Office Action at page 5. Applicant is unsure of the foundation of the Office's assertion that "the reservoir comprises an entry compartment and a second compartment as all reservoirs do." Office Action at page 5, emphasis added. As Pell et al. do not disclose any details for the reservoir or for the separating grid, Pell et al. do not disclose each and every element of Applicant's claimed invention as amended, and the §102 rejection is improper. Reconsideration and removal of the §102 rejection of the claims are respectfully requested.

Claims 10, 13-14, and 16-17 stand rejected under 35 U.S.C. §

Application No: 10/604469

102(b) as being anticipated by Joseph (U.S. Pat. No. 5,819,723). This rejection is respectfully traversed.

Joseph discloses a tracheal tube system and related methods for preventing the spread of infected secretions into the distal trachea where the tracheal tube system blocks the infected secretions and delivers an irrigating liquid to the area via an irrigation channel near the exterior surface of the tracheal tube. Column 4, lines 34-53 and Column 7, lines 46-62.

Joseph discloses a canister 402 for removing aspirated fluids and a suction regulator, where the suction source is typically wall suction. Column 8, lines 13-28.

Joseph does not disclose any additional information on the canister 402 and provides no disclosure on the specifics of the reservoir being formed as a multi-compartment chamber having a grid separating the entry and second compartments.

The Office Action indicates that Joseph discloses "a reservoir (402) operable to connect to the extension tubing... wherein the reservoir comprises an entry compartment and a second compartment as all reservoirs do, wherein the reservoir has a grid and a removable disc..." Office Action at pages 5-6. Again, Applicant is unsure of the foundation of the Office's assertion that "the reservoir comprises an entry compartment and a second compartment as all reservoirs do." Office Action at page 5, emphasis added. As Joseph does not disclose any details for the reservoir, Joseph does not disclose each and every element of Applicant's claimed invention as amended, and the